

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

Robert Dinkins, #529495)
(full name) (Register No.))

Plaintiff(s).

v.

Case No. 09-4111-CV-C-NKL

Correctional Medical Service, and)
(Full name))
medical staff Doctors,)
(names unknown))

Defendant(s).

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Jefferson Correctional Center
8200 No More Victims Road, Jefferson City, Missouri. 65101-4539

II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Robert Dinkins Register No. 529495
Address Jefferson Correctional Center
8200 No More Victims Road, Jefferson City, Missouri. 65101-4539

B. Defendant Correctional Medical Service, and medical Doctors
Is employed as Doctor's

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes X No
- IV. Do you request a jury trial? Yes X No
- V. Do you request money damages? Yes X No
State the amount claimed? \$ 1,000, / 000 (actual/punitive)
- VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No
- VII. Grievance procedures:
- A. Does your institution have an administrative or grievance procedure?
Yes X No
- B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes X No
- C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)
I.R.R was filed on Feb 25, 2006 and Grievance Appeal was filed
on July 2, 2006 and was denied on October 26, 2006.

- D. If you have not filed a grievance, state the reasons.

- VIII. Previous civil actions:
- A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes X No
- B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes X No
- C. If your answer is "Yes," to either of the above questions, provide the following information for each case.
- (1) Style: Robert Ossie Dinkins v. State of Missouri
(Plaintiff) (Defendant)
- (2) Date filed: WD. MO, May 4, 2007

- (3) Court where filed: Western District of Missouri
- (4) Case Number and citation: No. 08-4009-CV-C-NKL, No. 06-4303
- (5) Basic claim made: (Not Understandable by Court)
- (6) Date of disposition: May 4, 2007, April 28, 2008
- (7) Disposition: Denied
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: Defendant
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

(See Attached Supplemental pages 1 to 2)

- B. State briefly your legal theory or cite appropriate authority:
Estelle v. Gamble, 97 S.Ct. 285 (1976), Handicapped Prisoner.

"Prisoners may sue under the Federal Rehabilitation act of 1973

29 U.S.C. § 794."

**ATTACHED SUPPLEMENTAL PAGES 1 OF
COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

CLAIM

THIS COMPLAINT IS BEING FILED BY PLAINTIFF BECAUSE OF A CONSTITUTIONAL VIOLATION OF THE 8TH AMENDMENT RIGHT TO THE UNITED STATES CONSTITUTION "TO BE PROTECTED FROM CRUEL AND UNUSUAL PUNISHMENT" AND A VIOLATION OF THE 14TH AMENDMENT RIGHT OF "DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW", FOR BEING DENIED PROPER MEDICAL CARE. WHEN (CMS) MEDICAL DOCTORS SHOWED A CLEAR AND DELIBERATE INDIFFERENCE, TO PLAINTIFF CLEAR MEDICAL NEED FOR "PHYSICAL THERAPY" AND THERAPEUTIC TREATMENT" FOR A DISABILITY OF BEING PARALYZE FROM THE WAIST DOWN FROM DECEMBER 2004 TO 2009, AND STILL CONTINUING.

ALSO THE PLAINTIFF SHOULD BE CONSIDER UNDER THE EXCEPTION TO SUCCESSIVE PETITION CLAUSE, BECAUSE HE FACES, "IMMINENT DANGER" OF SERIOUS PHYSICAL INJURY, UNDER 28 U.S.C. § 1915 (G), BECAUSE HIS MEDICAL IS WORSENING AND DETERIORATING AND PLAINTIFF NEEDS PROPER MEDICAL CARE.

IN THAT, PLAINTIFF TRIED TO FILE THREE (3) PRIOR COMPLAINTS OR LAW SUITS, THAT WERE DISMISSED BY THIS COURT. BECAUSE THE COURT COULD NOT UNDERSTAND NOR READ THE CLAIMS. THEREFORE, IN THE BEST INTEREST OF JUSTICE, THIS COURT SHOULD GRANT FORMA PAUPERIS UNDER EXCEPTION.

SUPPORTING FACTS

Plaintiff was housed in Jefferson City Correctional Center address: 8200 No More Victims Road, Jefferson City, Missouri. 65102. In housing unit 8, on or around December of 2004. When plaintiff was walking in a recreation cage, with a offender named Frank. Plaintiff began to become real dizzy and faint, and felt like he was about to die or pass-out. Plaintiff then passed-out or black-out, and fall to the ground, plaintiff wake back up, but was unaware as to what was going on with him medically. Then offender Frank pressed the panic button, and when correctional officer came to see what had happen, offender Frank explained to the correctional officer what had just happen to plaintiff. Then officer escorted plaintiff back to his cell. After that incident every time the plaintiff went to the recreation cage, plaintiff had to come right back to his cell, because it seems as though every breath of air plaintiff would take was killing him. Plaintiff then

begin to file (M.S.R.) on Medical Service Request Forms, (I.R.R.) Informal Resolution Request, Grievance, and Grievance Appeals etc...

**ATTACHED SUPPLEMENTAL PAGE 2 OF
COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

Medical Doctors for (CMS) did not take the plaintiff seriously and kept telling him that there was nothing wrong with him and that plaintiff may have Pernicious Anemia.


Plaintiff continue to file (M.S.R.) and asked everyone that would listen to him for help with his problem. But he got no help.

Now plaintiff is paralyze from the waist down and can not walk at all and he is confined to a wheelchair, and (CMS) Doctors have continue to deny him proper medical care and therapeutic treatment for his clear medical need, and plaintiff has continue to suffer irreparable harm, by the continued denial of proper medical care by the (CMS) doctors.

Plaintiff has never been properly diagnose or told by a medical doctor what cause him to become paralyze. He is now confined to a wheelchair, and his medical condition is continuing to deteriorate and worsen.

This Court should grant punitive damage, for a denial of physical therapy, for failure to properly diagnose what caused plaintiff paralysis, for pain and suffering, the court should issue a order for CMS to apply proper medical treatment, and for monetary compensation of 1,000,000 million dollars in punitive damage.

Respectfully Submitted,



Robert Dinkins # 529495 (Plaintiff)

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

(For proper medical treatment)

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. No

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court? Yes No X

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 5 day of 29 2009.

Robert O. Dinkins
Signature(s) of Plaintiff(s) Robert O. Dinkins # 529495
Jefferson City Correctional Center

8200 No More Victims Road
Jefferson City, Missouri. 65101-4539



ALMALEE S. DITTMAN
My Commission Expires
September 19, 2009
Pulaski County
Commission #05770831

Almalee S. Dittman
5-29-09

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was mailed this
5-29 day, of _____ 2009, To: the Office of the Attorney General
of the State of Missouri P.O. Box 899, Jefferson City, Missouri. 65101..

Respectfully Submitted,

Robert O. Dinkins
Robert O. Dinkins #529495 (Plaintiff)
Jefferson City Correctional Center
8200 No More Victims Road
Jefferson City, Missouri. 65101-4539